UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/672,495	11/08/2012	Vladimir Kolesnikov	079894.0684	3015

91230 7590 01/25/2017

Baker Botts L.L.P.
2001 Ross Avenue. 6th Floor
Dallas, TX 75201

EXAMINER	
BARRETT, RYAN S	

ART UNIT	PAPER NUMBER
2145	

NOTIFICATION DATE	DELIVERY MODE
01/25/2017	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
ptomail2@bakerbotts.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte VLADIMIR KOLESNIKOV and ANDREW CHIEN

Appeal 2016-000190
Application 13/672,495
Technology Center 2100

Before JEREMY J. CURCURI, HUNG H. BUI, and JON M. JURGOVAN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek review under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–11, 16–19, and 21–25, which constitute the only pending claims.[1] We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.[2]

---

[1] Claims 12–15 and 20 have been canceled.

[2] Our Decision refers to the Specification ("Spec.") filed Nov. 8, 2012, the Final Office Action ("Final Act.") mailed Jan. 8, 2015, the Appeal Brief ("App. Br.") filed May 13, 2015, the Examiner's Answer ("Ans.") mailed July 31, 2015, and the Reply Brief ("Reply Br.") filed Sept. 25, 2015.

CLAIMED INVENTION

The claims are directed to rendering content objects by estimating the number that will fit in a display area based on assumed object dimensions. Adjustments are made to the assumed dimensions according to the differences between the assumed and actual object dimensions in order to improve object rendering. (Spec. Abstract.)

Claim 1, reproduced below with argued limitation shown in emphasis, is illustrative of the claimed subject matter:

> 1. A method comprising:
>
> by a computing device, identifying a first number of content objects to render for display along an axis within an area of a graphical user interface (GUI) of the computing device, the area having a maximum dimension along the axis, the first number being based on:
>
> one or more assumed dimensions of one or more content objects along the axis;
>
> and
>
> the maximum dimension of the area along the axis,
>
> *wherein identifying the first number of content objects comprises determining the first number of content objects by using the one or more assumed dimensions of the one or more content objects to estimate a maximum number of content objects that will fit into the maximum dimension*;
>
> by the computing device, rendering the first number of content objects for display along the axis within the area, each content object when rendered having an actual dimension along the axis;
>
> by the computing device, determining one or more differences between one or more of the assumed dimensions and the actual dimensions;
>
> by the computing device, adjusting one or more of the assumed dimensions based at least in part on the differences;
>
> by the computing device, identifying a second number of content objects to render for display along the axis within the area, the second number being based on:

the assumed dimensions as adjusted; and
the maximum dimension of the area along the axis; and
by the computing device, rendering the second number of content objects for display along the axis within the area.

REJECTIONS

(1) Claims 1–4, 6, 7, 10, 11, 16, 17, 21, and 25 stand rejected under 35 U.S.C. § 103(a) based on Schorr (US 2008/0282147 A1, published Nov. 13, 2008) and Carter et al. (US 2009/0307586 A1, published Dec. 10, 2009). (Final Act. 2–19.)

(2) Claims 5 and 22 stand rejected under 35 U.S.C. § 103(a) based on Schorr, Carter, and Omni ("Messaging Products," 17 Oct. 2010, https://web.archive.org/web/20101017232236/http://www.omnits.com/crm-integration/screenshots.html). (Final Act. 19–21.)

(3) Claims 8, 9, 18, and 19 stand rejected under 35 U.S.C. § 103(a) based on Schorr, Carter, and Zhu et al. (US 2012/0260157 A1, published Oct. 11, 2012). (Final Act. 21–24.)

(4) Claim 23 stands rejected under 35 U.S.C. § 103(a) based on Schorr, Carter, and Violet et al. (US 8,489,984, published July 16, 2013). (Final Act. 24–25.)

(5) Claim 24 stands rejected under 35 U.S.C. § 103(a) based on Schorr, Carter, and Jacobs (US 2006/0031760 A1, published Feb. 9, 2006.) (Final Act. 25–27.)

ANALYSIS

Claims 1 and 11

New Arguments presented in Reply Brief

At the outset, we note Appellants' Appeal Brief arguments were made under the assumption that the Examiner's rejections map the claimed "area" to Schorr's "canvas." (App. Br. 10.) However, the Examiner's Answer indicated the mapping of the claimed 'area' is to Schorr's "page", not to Schorr's "canvas." (Ans. 3.) Appellants contend that the Examiner's Answer interprets Schorr differently than did the Final Office Action. (Reply Br. 3.) Appellants assert this change in mapping represents a new ground of rejection necessitating the arguments presented in the Reply Brief. (*Id.*)

During our review of the Final Office Action, we find there was reason for Appellants to interpret the Examiner's mapping of the claimed "area" to Schorr's "canvas" rather than to Schorr's "page." Specifically, the Final Office action cites Schorr to refer to lay out of content objects on a "canvas." (Final Act. 3.) There is no mention of "pages" as corresponding to any of the elements of claims 1 and 11, and "pages" are not mentioned until the end of the rejection with regard to the motivation to combine the cited references. (*Id.* at 7.) The nature of the Examiner's mapping was important because Appellants' Appeal Brief arguments contend Schorr's canvas can accept any number of content objects according to Schorr's teachings (see, e.g., Schorr ¶ 35), whereas in the claimed limitation, the display area has a limited dimension into which to fit content objects. (App. Br. 10.)

Under these circumstances, we find it appropriate to consider Appellants' arguments presented in the Reply Brief. *See* 37 C.F.R. § 41.41(b)(2).

Appellant's Arguments presented in Reply Brief

Appellants contend Schorr fails to teach or suggest the claim limitation of "determining the first number of content objects by using the one or more assumed dimensions of the one or more content objects to estimate a maximum number of content objects that will fit into the maximum dimension," as recited in claims 1 and 11. (Reply Br. 4.) Specifically, Appellants argue Schorr does not "estimate a maximum number of content objects," but merely determines whether the page has room for more content objects after multiple have already been placed on the page. (*Id.* citing Schorr ¶ 41.) Appellants also argue Schorr does not use "one or more assumed dimensions," but instead merely looks at the actual content objects on the page to determine whether more content objects can fit on the page. (*Id.*) According to Appellants, Schorr does not describe how this determination is made, nor does Schorr use assumed dimensions to make an estimation. (*Id.*) Appellants further argue Schorr does not estimate a maximum number of content objects that will fit into the maximum dimension, but merely considers content objects that are already on the page, resulting in no estimation of a future maximum number of content objects, as the claims require. (*Id.*)

We agree with Appellants that the cited portions of Schorr do not mention estimating the maximum number of content objects that will fit into the maximum dimension of a display area using assumed dimensions of the content objects, as recited in claims 1 and 11. Instead, Schorr fills up a page

with content objects, and when there is no longer room on the page, places the overflow of content objects onto an additional page. (*See* Schorr ¶¶ 35, 36, 41, 42, Figs. 2A, 3, 5.) Specifically, Schorr states "[w]hen content can no longer be fitted to the content objects **202A-202G** on the page **201A** without overflowing, the [desktop publishing] application **122** utilizes the rules to determine how one or more additional pages should be added." (*Id.* at ¶ 41.) Thus, Schorr teaches that content objects causing overflow are placed on additional pages of the canvas, and there is no estimate of the maximum number of content objects that will fit before actually encountering the overflow necessitating additional pages.

We also note that Schorr teaches that "constraints" determine the initial locations and sizes of the content objects on a canvas, which the Examiner appears to view as an estimate of the maximum number of objects that will fit into the maximum dimension of a page. (Final Act. 3 citing Schorr ¶ 36). Although the initial sizes of the content objects arguably correspond to the claimed "assumed dimensions," we nonetheless find no mention in the cited parts of Schorr of estimating the *maximum number* of content objects that will fit into the maximum dimension of a display area. In the absence of a teaching or suggestion of this feature, we do not sustain the Examiner's obviousness rejection of claims 1 and 11 and their respective dependent claims 2–10, 16–19, and 21–25.

DECISION

We reverse the rejections of claims 1–11, 16–19, and 21–25 under 35 U.S.C. § 103(a).

REVERSED